

REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
October 6, 2005

PRESENT:	Lou Ann Christensen	Mayor
	Jon Adams	Councilmember
	Holly Bell	Councilmember (<i>arrived at 7:16 p.m.</i>)
	Alden Farr	Councilmember
	Reese Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Jim Buchanan	Director of Emergency Services
	Mary Kate Christensen	City Recorder
	Paul Larsen	Director of Economic Development
	Bruce Leonard	Director of Public Works
	Dennis Sheffield	Director of Finance
	Mark Teuscher	Community Development Supervisor/City Planner
	Don Tingey	City Administrator
	Paul Tittensor	Chief of Police

Mayor Christensen called the meeting to order. The Reverence Period was given by Councilmember Jensen. The scouts in the audience led the Pledge of Allegiance. Mayor Christensen presented the agenda as follows:

PUBLIC COMMENT
CONSENT

- Part-Time New Hire, Senior Center
- Appointment to Library Board
- Appointment to Advisory Council on Aging
- Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

SCHEDULED DELEGATION

- Request to Waive Adoption Fees for Eagle Project
- International Credit Union Day Proclamation
- Mayor's Award in the Humanities to Beth Gurrister
- Economic Development Board Report
- Cultural Assessment Report
- Academy Square Steering Committee Presentation

NEW BUSINESS

- Approval of Cabinet Easements for UTOPIA
- Request for Additional Funds from the General Fund for an RFP for the Museum Feasibility Study
 - Along with Information for the Library RFP Regarding Architect Firm Chosen and Time Line
- FEMA Flood Update
- Request for Approval of Hazardous Materials Response Fees
- Request for Approval of Ambulance Policies & Procedures to Support Brigham City Policies and Procedures

OTHER BUSINESS

- Mayor's Pond Fishing Restriction (*added*)
- Main Street and UDOT Work Session (*added*)

CLAIMS

- Cash Disbursements

Mayor Christensen added the two items under Other Business. Councilmember Adams made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

Nancy Fuller - Ms. Fuller stated that she works at a convenience store in Garland on Saturday mornings. Almost every Saturday there are people that come in from the Salt Lake City/Provo area and ask her how to get to Brigham City. After this happened for several weeks, she noticed that the UDOT exit signs do not say Brigham City, only the street name.

Councilmember Marabella - Councilmember Marabella said as people walk up the steps to the Council Chambers, there is a display with all the active servicemen in Brigham City. One of those servicemen, Sgt. Jeff Daily, works for Councilmember Marabella and he returned home this week. Councilmember Marabella said he hopes everyone takes a moment from time to time to think about the freedoms we have. Sgt. Daily was away from his family for 17 months. He is a single parent and had to leave his sons with his father. Many of the soldiers still on the display will be returning in mid-December.

CONSENT

Part-Time New Hire, Senior Center

It was recommended that Jill Jacobsen be hired as a Cook II at the Senior Center, effective October 11, 2005.

Appointment to Library Board

It was also recommended Bill Frye be appointed as a member of the Library Board.

Appointment to Advisory Council on Aging

Ken Wanlass was recommended to serve as a member of the Advisory Council on Aging.

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

A list of accounts was presented in the amount of \$4,521.48 to be removed from the City's system due to the customer taking out bankruptcy or being sent to Collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded and carried.

SCHEDULED DELEGATION

Request to Waive Adoption Fees for Eagle Project

Russell Kotter came forward and explained that he is doing an Eagle Project at the Animal Shelter. He will have an animal show on October 13 from 4:00 p.m. to 8:00 p.m. All the animals will be outside for adoption. He asked if the adoption fees could be waived. He felt this would encourage more people to adopt the animals.

MOTION: Councilmember Jensen made a motion to approve the animal show and waive the adoption fees on October 13 from 4:00 p.m. to 8:00 p.m., seconded by Councilmember Adams and unanimously carried.

International Credit Union Day Proclamation

Mr. Brad Barber came forward and stated that every year Credit Unions throughout the world celebrate International Credit Union Week and Day. Mr. Barber read the proclamation declaring October 16-22, 2005 as International Credit Union Week and October 20, 2005 as International Credit Union Day.

MOTION: Councilmember Marabella made a motion to approve the International Credit Union Day Proclamation and authorize the Mayor to sign the proclamation, seconded by Councilmember Farr and unanimously carried.

Councilmember Bell arrived at 7:16 p.m.

Mayor's Award in the Humanities to Beth Gurrister

Mayor Christensen said it is her honor to nominate Beth Gurrister for the Utah Humanities Mayor's Award. Ms. Gurrister and her husband, Joe, have raised four children. She is deeply emerged in activity in a religious setting, having served on the Board of the local Presbyterian Church. She taught for five years in the Senior High Religion Classes, and then served as the First Superintendent of the Cooperative Ministry Council Weekday Church School. During her presidency of Church Women United of Box Elder County, she was instrumental in forming the Box Elder Community Pantry in 1968, and then became the first non-agency member of the Interagency Council, which serves the social needs of the County. Ms. Gurrister organized the

City's first Interfaith Patriotic Fourth of July Program in 1962. Every year since, she has continued to be an integral part of this program. She has written the script for this program since 1979. She was also responsible for the acquisition of the 50 state flags that were located at City Hall.

Ms. Gurrister thanked the Mayor and Council. Brigham City is a great community that welcomes and encourages volunteerism. She said she has been very impressed with the vision the Mayor and Council have, and the opportunity for volunteers to be a part of that vision for the future.

Economic Development Board Report

Mr. Andy Shinkle, Economic Development Board Chair, came forward and introduced the Board. He also thanked Paul Larsen and Sharon Brailsford from the City's staff for their support.

Mr. Larsen explained that there are several subcommittees within the Board. These committees include: Airport Committee; Business Retention Committee; Downtown Revitalization; Infrastructure Committee; Marketing Committee; New Business Committee; Outdoor Recreation and Trails Commission.

Fred Baugh chairs the Airport Committee and reports that the airport expansion project is underway. There is a 5-year development plan.

Ken Kennedy chairs the Business Retention Committee. There have been 64 organized business visits. Generally, two members of the Economic Development Board will visit the business and discuss the issues they are facing. There has been a very positive response to these visits. They have held two business round tables over the last year. They intend to continue these. They are working on a business fair to make businesses aware of the Bear River Migratory Bird Refuge and what is happening there, and look at business potential in conjunction with the Visitor's Center.

The Infrastructure Committee is headed by Tom Shaw and Dick MacFarlane. They have established a number of redevelopment and economic project areas. These projects are awaiting approval from the Taxing Entity Committee.

The telecommunications portion of the Infrastructure Committee is chaired by Robert Smith. The main part of this committee is primarily UTOPIA. Wetlands is also a part of this Committee. They have identified wetlands, assessing functional values of these wetlands, and are doing an economic analysis.

Monica Holdaway is the chair of the Marketing Committee. They did a lot of work with the Smart Communities International Network (SCIN) Conference. USU was very helpful with this. They helped with marketing materials and setting up the booth at the conference.

The New Business Committee is chaired by Byron Hansen. They work closely with the Economic Development Corporation of Utah. They expect a decision within a month on a company to locate in Brigham City. It is down to Brigham City or Weber County. This company would bring a fair number of high paying jobs to Brigham City. Project Packer is a project they just recently learned about. It is a food additives corporate company. They are looking at approximately 40 jobs, and are very interested in this area. Project Inspire is a project in which the City worked with the County ECU and Mike Wallace, consultant. This is a high end window manufacturer. This project has been put on hold by the company. Project Mass is a food processing company. However, Brigham City could not compete with Idaho's incentive package of \$4 million, so the company is locating in Idaho.

The Outdoor Recreation Committee has been working with the National Forest Service to review the Wasatch Cache National Forest Travel Plan to make sure trail interests were addressed. They are monitoring action on the Rocky Dugway and Devil's Gate road closures.

Mr. Larsen reported that Andy Shinkle is very involved in the Utah State Innovation Center at the old K-Mart Building. There will be five innovation centers throughout the state. The state has selected Brigham City as the pilot. They are working on funding requests through the Federal Economic Development Administration. They have grant applications into Utah Rural Development. USTAR, or Utah Science Technology and

Research, is being pursued in the legislature and has potential to bring considerable funding to the Brigham City site. They also submitted an application to the Rural UTOPIA Services for funding for a distance line facility that would also serve the business innovation center.

They are also working with the Bear River Bird Refuge coordinating plans for their Wildlife Education Center Grand Opening. They are starting to look at ways to position Brigham City as a gateway community for birding, which is an \$85 billion industry.

Cultural Assessment Report

Mr. Patrick Overton, Director of Front Porch Institute, came forward and explained that he was asked to help the City assess what the City could do with the Cultural Plan and how the Academy Square Project would fit in with that.

The Academy Building is not only important to Brigham City, but it is even more important for the United States of America. This building represents a landmark for a family that has impacted the arts in this country in a way very few single families have. The Christensens have a history in the development of the American Ballet form and the development of social dancing in this community that has really had an impact on the development of modern dance.

This building is also a special building for people outside this community. Mr. Overton said about three weeks he was in San Francisco working with some people who had gotten excited about the prospect of helping the community with this project. Richard Harris, an attorney in San Francisco whose father lives in this community, and others are excited about helping with this project.

Mr. Overton said this building should not only be the center of the Academy Square Project, but the anchor for the project. It should be the first part of the Academy Square Project to be finished. Due to the historical significance of the building, he felt that money can be found to support the renovation so it not only anchors the Academy Square, but so it actually helps raise an endowment to cover the maintenance and operations cost of the entire Academy Square Project.

One thing that has to be done is to help people understand the story – why that building is important.

Mr. Overton recommended the project be divided into three phases. Concentrate on renovation and adaptive reuse of the Christensen Building. The lower portion should be a dedicated use building to establish a Christensen dance and music museum. An endowment should be established for that, so the building and all programming in the building would be paid for, as well as operations and maintenance of most of the rest of the Academy Project.

Mr. Overton proposed a public/private partnership. A private partner would be involved, which would be the museum, and perhaps a separate one for upstairs, but find a way for the City to be involved in the decisions related to the programing, operations and maintenance of the building.

Mr. Overton recommended the creation of a Cultural District, which would be one block north and two blocks south on Main Street. It would be the heart and soul of this community historically. This is the place people will gather together to enjoy being together, to dance, to listen to music, to have festivals. It will be a community gathering place. It will increase economic development, because when this kind of project works, there will be a lot of people come to Brigham City to see the building, to see the square, to participate. People that are making decisions about locating businesses here will look at what the City is doing in a project that celebrates the community, and the downtown business area and preservation and historical renovation of many of the important features of the community. This will be very impressive to corporations making decisions about where to locate.

Phase II should be the development of an amphitheater.

Phase III looks at the option of purchasing property on the entire block to eventually construct a new library, and move the City museum to the library building. If the Carnegie Library Building remains, it could become a Community Arts Center. This would bring everyone to the heart of town.

Kelly Driscoll, the incoming Chair of the Chamber of Commerce and member of the Steering Committee, asked the Council to support this Academy Project and move forward with the recommendations from the Steering Committee. They feel it will have a direct economic impact to the community with little or no burden to the citizens. It will be an opportunity to have a gathering place, which Brigham City is deeply in need of. This project is not about us, it is about our kids and our kids' kids. What Mr. Overton has recommended is the highest possible use of this facility. This is the opportunity where this will greatly impact the direction of this City.

Mr. Overton reviewed the history of the Dance Academy Building. The building was built in 1904. It has the original tin ceiling upstairs all the way across the expansion which is larger than a football field. This is where the social dancing occurred, and where ballet lessons were given. There was a young man by the name of Lew Christensen that was taught dance on this floor. When he grew into adulthood, he was the premiere dancer for one of the most famous choreographers in the world, George Balanchine. Mr. Balanchine not only changed ballet in the United States, but in the world. He used Lew Christensen to do that. Mr. Overton showed a picture of Lew Christensen which he saw at the Performing Arts Museum in San Francisco. The people at this museum are very excited about this project. They have committed to come to Brigham City and be a resource. They have 80 boxes of Lew Christensen's material, including a 6' poster and golden shoes which Lew wore when he premiered in Apollo, the premier, new American Ballet in the United States.

Mr. Overton announced that the people in San Francisco have committed \$10,000 to match the National Endowment for the Arts Grant.

Mr. Overton continued that Mr. Christensen formed the San Francisco Ballet and served as choreographer. Mr. Larsen added that he did the original American choreography for the Nut Cracker. The Artistic Director from the Cache Civic Ballet in Logan told Mr. Larsen that they have the set pieces from the original production of the Nut Cracker and she felt the Cache Ballet Company would be willing to donate it to the museum.

Mr. Overton said the people in San Francisco are anxious to get this project started. They asked Mr. Overton what he thought it would cost, and he told them \$2-3 million for the building and the endowment will have to be \$3-5 million to make it work. They did not flinch. He was confident that if the City puts together a package to present to the Bay Area and makes a formal presentation to a group of 10-15 people, the City will get a good amount of money to get started. The first step should be to have a modified planning charrette that includes the architect, people from the surrounding universities, Ballet West, Richard Harris, and people from the community. This should happen within the next six weeks and come up with some figures and design to take to the Bay Area at the first of the year.

Mr. Overton said it is very important that the City find a way to raise money for a permanent endowment dedicated for the purpose of covering the operations, maintenance and programs of the building. He is hoping to get enough funds to help with the entire Academy Square Project. It doesn't do any good to renovate the building and not have the money to run it. It cannot be a drain on the City's budget.

Mayor Christensen said the \$1 million grant from the federal government really helps in moving forward. Mr. Overton said it is much easier to speak to the San Francisco people when he can tell them the City has received almost a million-dollar federal grant, and the possibility of using RDA funds. He felt that there will be a lot of people, both in Utah and outside Utah, that will be interested in becoming partners.

MOTION: Councilmember Jensen made a motion to accept the report and authorize Mr. Larsen and the Steering Committee to move forward with the recommendations, and report back to the Council in no more than six months with specific recommendations. The motion was seconded Councilmember Bell and carried unanimously.

Academy Square Steering Committee Presentation

This presentation was combined with the previous agenda item.

NEW BUSINESS

Approval of Cabinet Easements for UTOPIA

Mr. Larsen explained that these are the final two easements for UTOPIA. One is on the Mary Reeder property on 500 West and just south of SR-13. The other easement is for a cabinet location at the east substation.

MOTION: A motion to approve the cabinet easements for UTOPIA was made by Councilmember Marabella, seconded by Councilmember Farr and unanimously carried.

Request for Additional Funds from the General Fund for an RFP for the Museum Feasibility Study Along with Information for the Library RFP Regarding Architect Firm Chosen and Time Line

Ms. Sue Hill and Mr. Larry Douglass approached the Council. Ms. Hill introduced Lewis Jones and Larena Mathews, members of the Library Board. Ms. Hill stated that the City Library was built in 1910 with a grant from Carnegie. The addition was added in 1978. Last year they put in larger shelves in the Children's Department to try and get more room, but they still have full shelves throughout the library. In addition, they do not have enough room for Internet computers that are at a premium, and they do not have enough room or tables for studying.

To determine what would be the best decision for a new library or to add on to the current library, they put together an RFP and sent it to ten architects, and three responded. After interviewing, calling other libraries they have designed and built, and calling references, they chose Cooper, Roberts and Simonsen (CRS) for the bid. The bid came in at \$39,650. There is \$20,000 in her budget for this. She has \$419,000 in surplus to cover the difference.

MOTION: Councilmember Bell made a motion to approve the request for additional funds to fund a library feasibility study from the library unappropriated fund balance and authorize the library to move forward with CRS for the study. Councilmember Adams seconded the motion, unanimously carried.

Federal Emergency Management Agency (FEMA) Flood Update

Mr. Jim Buchanan came to the table and explained that the City began cleaning the Box Elder Creek. They started on Main Street and are now at 1200 West. The Water Department, Sewer Department, Street Department and Fleet Maintenance have leased equipment and have been doing the work themselves. FEMA has completed their investigation and will be leaving October 8. So far, the City has received almost \$75,000.

There are still some projects that need to be done. The Mayor's Pond needs to have approximately 6,000-7,000 cubic yards of debris removed. They are waiting for the end of irrigation season before they drain it. The service road that goes up by the diversion dam needs to have a culvert replaced. The Parker Road drainage channel needs to be repaired.

Mr. Buchanan explained that FEMA will not give money for any project or road that is serviced by another government entity. When 600 North was the main route to and from Brigham City it was on the Federal Highway Asset List and is still there, so FEMA will not give any money for this project. He and Mr. Leonard are applying to the Federal Highway Department to see what funding is available because they have similar emergency funding. The same thing applies to the Bird Refuge Road. Mr. Buchanan added that he has asked FEMA to put some support in with the State of Utah that 600 North be removed from the Federal Highway List because it is not a federal highway, and the City does not receive any federal funding for it.

Mr. Buchanan said the City was very fortunate that City staff tracked volunteer hours, because that accounts for \$11,900 of the FEMA money. This can be used toward the City's 25% match.

Mr. Buchanan said the State House passed Bill #213 to assist St. George with their flooding. The way the bill is worded, it is open. He recommended the City contact the State Legislators and ask them to put money in the bill for Brigham City.

Mr. Buchanan said the Public Works Department should be complimented for making this project happen. Mayor Christensen agreed, adding that they had their regular duties on top of this big project, and there was not one complaint. She expressed appreciation to Mr. Buchanan and Mr. Leonard for their great leadership.

Councilmember Jensen asked if anything was neglected in order to accomplish this project. Mr. Leonard came forward and replied that no projects were neglected. They waited until the street and water maintenance projects were completed. However, if the City does not get the funding, he hopes the Council does not take it all out of the Public Works budget.

Councilmember Marabella asked if anyone has been held accountable for the culvert that was cut on the Bird Refuge Road. This was an expensive decision that was not made by City staff. Mr. Buchanan replied that he has applied for reimbursement from FEMA. If he does not receive that, he will come back to the Council with a recommendation as to who should be billed for it. Councilmember Marabella said whether FEMA is approved or not, the City should send a very clear message that if someone comes into Brigham City, they will follow Brigham City's rules, and if not, they will pay the price. Mayor Christensen said there was some confusion as to whether the road was in the County or the City. Councilmember Marabella said if they thought it was in the County, then they should be held accountable. It was a County Commissioner that approved it.

Request for Approval of Hazardous Materials Response Fees

Mr. Buchanan explained that a few years ago the Council approved an ordinance to allow the Fire Department to collect fees for aggravated arson, aggravated medical calls and hazardous materials spills. This resolution sets the fees for the hazardous materials response fees.

MOTION: Councilmember Marabella made a motion to approve the hazardous materials response fees with the understanding that these fees will be reviewed annually, seconded by Councilmember Adams and carried.

Request for Approval of Ambulance Policies and Procedures to Support Brigham City Policies and Procedures

Mr. Buchanan explained that the Fire and Ambulance Departments have functioned under the City's policies, which sometimes do not adequately address issues unique to these volunteer departments. The Ambulance Department created policies that are specific for their department. He added that they have been reviewed by the City Attorney, the Personnel Department and the Mayor's Office. He explained that these do not replace the City policies, but supplements them.

MOTION: Councilmember Bell made a motion to approve the Ambulance Policies and Procedures, seconded by Councilmember Marabella and unanimously carried.

OTHER BUSINESS

Mayor's Pond Fishing Restriction

Mr. Leonard explained that normally when the City drains the Mayor's Pond, the Game & Fish move the fish upstream. They will no longer do that because of the threat of Whirling Disease. They have issued an emergency amendment to the proclamation which doubles the fish limit at the Mayor's Pond. It is effective immediately.

Mr. Leonard said in addition, the Game & Fish told him that the City cannot legislate against the state's proclamation for taking of fish. The City's proclamation to limit fishing at the Mayor's Pond to 15 and under is invalid.

Main Street and UDOT Work Session

The Council set a work session for October 11, 2005 at 6:00 p.m. in conjunction with a previously scheduled Work Session to discuss the Sidewalk Master Plan. This work session is to determine how to pay for the utility work that is going to be done in conjunction with the UDOT Main Street Project and to explain to the Council what is going to be done.

CLAIMS

Payment Register

Councilmember Jensen moved to approve General Claims dated September 30, 2005 in the amount of \$207,040.29. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Adams. The motion was seconded and carried unanimously. The meeting adjourned at 9:33 p.m.